

SECOND REGULAR SESSION

HOUSE BILL NO. 1052

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ALLEN (Sponsor) AND FLANIGAN (Co-sponsor).

4451L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 115.135, 115.137, 115.155, 115.157, 115.163, 115.225, 115.249, and 115.637, RSMo, and to enact in lieu thereof nine new sections relating to primary elections, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 115.135, 115.137, 115.155, 115.157, 115.163, 115.225, 115.249, 2 and 115.637, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as 3 sections 115.135, 115.137, 115.155, 115.157, 115.163, 115.166, 115.225, 115.249, and 115.637, 4 to read as follows:

115.135. 1. Any person who is qualified to vote, or who shall become qualified to vote 2 on or before the day of election, shall be entitled to register in the jurisdiction within which he 3 or she resides. In order to vote in any election for which registration is required, a person [must] 4 **shall** be registered to vote in the jurisdiction of his or her residence no later than 5:00 p.m., or 5 the normal closing time of any public building where the registration is being held if such time 6 is later than 5:00 p.m., on the fourth Wednesday prior to the election, unless the voter is an 7 interstate former resident, an intrastate new resident or a new resident, as defined in section 8 115.275. In no case shall registration for an election extend beyond 10:00 p.m. on the fourth 9 Wednesday prior to the election. Any person registering after such date shall be eligible to vote 10 in subsequent elections.

11 2. A person applying to register with an election authority or a deputy registration official 12 shall identify himself or herself by presenting a copy of a birth certificate, a Native American 13 tribal document, other proof of United States citizenship, a valid Missouri drivers license or other 14 form of personal identification at the time of registration.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 3. Except as provided in federal law or federal elections and in section 115.277, no
16 person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his
17 or her residence prior to the deadline to register to vote.

4. Any person updating or changing such person's party affiliation as required under section 115.166 may update or change such party affiliation for the upcoming election at any time before the deadline for registration for such election established in this section. Any update or change to such person's party affiliation made after the deadline for registration established in this section shall be effective only for subsequent elections.

115.137. 1. Except as provided in [subsection] **subsections 2 and 3** of this section, any
2 citizen who is entitled to register and vote shall be entitled to register for and vote pursuant to
3 the provisions of this chapter in all statewide public elections and all public elections held for
4 districts and political subdivisions within which he resides.

2. Any person who and only persons who fulfill the ownership requirements shall be entitled to vote in elections for which ownership of real property is required by law for voting.

7 **3. For all primary elections held after January 1, 2013, any person who is entitled**
8 **to vote in such primary under this chapter shall be entitled to vote only the official primary**
9 **election ballot of the political party designated in the person's voter registration. Any**
10 **person attempting to vote or voting a primary election ballot of a political party other than**
11 **that for which the person's designated party affiliation qualifies the person to vote shall be**
12 **guilty of a class four election offense as provided in section 115.637.**

115.155. 1. The election authority shall provide for the registration of each voter. Each
2 application shall be in substantially the following form:

APPLICATION FOR REGISTRATION

4 Are you a citizen of the United States?

5 ☐ YES ☐ NO

6 Will you be 18 years of age on or before election day?

7 ☐ YES ☐ NO

9 IF YOU CHECKED "NO" IN RESPONSE TO EITHER OF THESE QUESTIONS, DO
10 NOT COMPLETE THIS FORM.

12 IF YOU ARE SUBMITTING THIS FORM BY MAIL AND ARE REGISTERING FOR
13 THE FIRST TIME, PLEASE SUBMIT A COPY OF A CURRENT, VALID PHOTO
14 IDENTIFICATION. IF YOU DO NOT SUBMIT SUCH INFORMATION, YOU WILL BE
15 REQUIRED TO PRESENT ADDITIONAL IDENTIFICATION UPON VOTING FOR THE
16 FIRST TIME SUCH AS A BIRTH CERTIFICATE, A NATIVE AMERICAN TRIBAL

17 DOCUMENT, OTHER PROOF OF UNITED STATES CITIZENSHIP, A VALID MISSOURI
 18 DRIVERS LICENSE OR OTHER FORM OF PERSONAL IDENTIFICATION.

19
 20 Township (or Ward)

21
 22 Name Precinct

23

24 Home Address Required Personal
 25 Identification Information

26

27 City ZIP

28

29 Date of Birth Place of Birth (Optional)

30

31 Telephone Number Mother's Maiden Name (Optional)
 32 (Optional)

33

34 Occupation (Optional) Last Place Previously
 35 Registered

36

37 Last four digits of Under What Name

38 Social Security Number
 39 (Required for registration
 40 unless no Social Security
 41 number exists for Applicant)

42 **Party Affiliation:**

43 Remarks:

44

45

46 When

47

48 I am a citizen of the United States and a resident of the state of Missouri. I have not been
 49 adjudged incapacitated by any court of law. If I have been convicted of a felony or of a
 50 misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting
 51 from such conviction removed pursuant to law. I do solemnly swear that all statements made
 52 on this card are true to the best of my knowledge and belief.

53 I UNDERSTAND THAT IF I REGISTER TO VOTE KNOWING THAT I AM NOT LEGALLY
54 ENTITLED TO REGISTER, I AM COMMITTING A CLASS ONE ELECTION OFFENSE
55 AND MAY BE PUNISHED BY IMPRISONMENT OF NOT MORE THAN FIVE YEARS OR
56 BY A FINE OF BETWEEN TWO THOUSAND FIVE HUNDRED DOLLARS AND TEN
57 THOUSAND DOLLARS OR BY BOTH SUCH IMPRISONMENT AND FINE.

58

59 Signature of Voter Date

60

61 Signature of Election Official

62 2. After supplying all information necessary for the registration records, each applicant
63 who appears in person before the election authority shall swear or affirm the statements on the
64 registration application by signing his or her full name, witnessed by the signature of the election
65 authority or such authority's deputy registration official. Each applicant who applies to register
66 by mail pursuant to section 115.159, or pursuant to section 115.160 or 115.162, shall attest to
67 the statements on the application by his or her signature.

68 3. Upon receipt by mail of a completed and signed voter registration application, a voter
69 registration application forwarded by the division of motor vehicle and drivers licensing of the
70 department of revenue pursuant to section 115.160, or a voter registration agency pursuant to
71 section 115.162, the election authority shall, if satisfied that the applicant is entitled to register,
72 transfer all data necessary for the registration records from the application to its registration
73 system. Within seven business days after receiving the application, the election authority shall
74 send the applicant a verification notice. If such notice is returned as undeliverable by the postal
75 service within the time established by the election authority, the election authority shall not place
76 the applicant's name on the voter registration file.

77 4. If, upon receipt by mail of a voter registration application or a voter registration
78 application forwarded pursuant to section 115.160 or 115.162, the election authority determines
79 that the applicant is not entitled to register, such authority shall, within seven business days after
80 receiving the application, so notify the applicant by mail and state the reason such authority has
81 determined the applicant is not qualified. The applicant may have such determination reviewed
82 pursuant to the provisions of section 115.223. If an applicant for voter registration fails to
83 answer the question on the application concerning United States citizenship, the election
84 authority shall notify the applicant of the failure and provide the applicant with an opportunity
85 to complete the form in a timely manner to allow for the completion of the registration form
86 before the next election.

87 5. It shall be the responsibility of the secretary of state to prescribe specifications for
88 voter registration documents so that they are uniform throughout the state of Missouri and

89 comply with the National Voter Registration Act of 1993, including the reporting requirements,
90 and so that registrations, name changes and transfers of registrations within the state may take
91 place as allowed by law.

92 6. All voter registration applications shall be preserved in the office of the election
93 authority.

115.157. 1. The election authority may place all information on any registration cards
2 in computerized form in accordance with section 115.158. No election authority or secretary of
3 state shall furnish to any member of the public electronic media or printout showing any
4 registration information, except as provided in this section. Except as provided in subsection 2
5 of this section, the election authority or secretary of state shall make available electronic media
6 or printouts showing unique voter identification numbers, voters' names, dates of birth,
7 addresses, townships or wards, and precincts. Electronic data shall be maintained in at least the
8 following separate fields:

- 9 (1) Voter identification number;
- 10 (2) First name;
- 11 (3) Middle initial;
- 12 (4) Last name;
- 13 (5) Suffix;
- 14 (6) Street number;
- 15 (7) Street direction;
- 16 (8) Street name;
- 17 (9) Street suffix;
- 18 (10) Apartment number;
- 19 (11) City;
- 20 (12) State;
- 21 (13) Zip code;
- 22 (14) Township;
- 23 (15) Ward;
- 24 (16) Precinct;
- 25 (17) Senatorial district;
- 26 (18) Representative district;
- 27 (19) Congressional district;
- 28 **(20) Party affiliation.**

29
30 All election authorities shall enter voter history in their computerized registration systems and
31 shall, not more than six months after the election, forward such data to the Missouri voter

32 registration system established in section 115.158. In addition, election authorities shall forward
33 registration and other data in a manner prescribed by the secretary of state to comply with the
34 Help America Vote Act of 2002. Except as provided in subsection 2 of this section, the election
35 authority shall also furnish, for a fee, electronic media or a printout showing the names, dates of
36 birth and addresses of voters, or any part thereof, within the jurisdiction of the election authority
37 who voted in any specific election, including primary elections, by township, ward or precinct,
38 provided that nothing in this chapter shall require such voter information to be released to the
39 public over the Internet. The amount of fees charged for information provided in this section
40 shall be established pursuant to chapter 610. All revenues collected by the secretary of state
41 pursuant to this section shall be deposited in the state treasury and credited to the secretary of
42 state's technology trust fund account established pursuant to section 28.160. In even-numbered
43 years, each election authority shall, upon request, supply the voter registration list for its
44 jurisdiction to all candidates and party committees for a charge established pursuant to chapter
45 610. Except as provided in subsection 2 of this section, all election authorities shall make the
46 information described in this section available pursuant to chapter 610. Any election authority
47 who fails to comply with the requirements of this section shall be subject to the provisions of
48 chapter 610.

49 2. Any person working as an undercover officer of a local, state or federal law
50 enforcement agency, persons in witness protection programs, and victims of domestic violence
51 and abuse who have received orders of protection pursuant to chapter 455 shall be entitled to
52 apply to the circuit court having jurisdiction in his or her county of residence to have the
53 residential address on his or her voter registration records closed to the public if the release of
54 such information could endanger the safety of the person. Any person working as an undercover
55 agent or in a witness protection program shall also submit a statement from the chief executive
56 officer of the agency under whose direction he or she is serving. The petition to close the
57 residential address shall be incorporated into any petition for protective order provided by circuit
58 clerks pursuant to chapter 455. If satisfied that the person filing the petition meets the
59 qualifications of this subsection, the circuit court shall issue an order to the election authority to
60 keep the residential address of the voter a closed record and the address may be used only for the
61 purposes of administering elections pursuant to this chapter. The election authority may require
62 the voter who has a closed residential address record to verify that his or her residential address
63 has not changed or to file a change of address and to affirm that the reasons contained in the
64 original petition are still accurate prior to receiving a ballot. A change of address within an
65 election authority's jurisdiction shall not require that the voter file a new petition. Any voter who
66 no longer qualifies pursuant to this subsection to have his or her residential address as a closed

67 record shall notify the circuit court. Upon such notification, the circuit court shall void the order
68 closing the residential address and so notify the election authority.

69 **3. Any person who fails to designate a party affiliation shall be registered without**
70 **a party affiliation. The election authority shall notify the person by mail that the person**
71 **has been registered without a party affiliation and that the person may change or update**
72 **the person's party affiliation as provided in section 115.166.**

115.163. 1. Each election authority shall use the Missouri voter registration system
2 established by section 115.158 to prepare a list of legally registered voters for each precinct. The
3 list shall be arranged alphabetically or by street address as the election authority determines and
4 shall be known as the precinct register. The precinct registers shall be kept by the election
5 authority in a secure place, except when given to election judges for use at an election. Except
6 as provided in subsection 2 of section 115.157, all registration records shall be open to inspection
7 by the public at all reasonable times.

8 2. A new precinct register shall be prepared by the election authority prior to each
9 election.

10 3. The election authority shall send to each voter, except those who registered by mail
11 and have not voted, a voter identification card no later than ninety days prior to the date of a
12 primary or general election for federal office, unless the voter has received such a card during
13 the preceding six months. The election authority shall send to each voter who registered by mail
14 and has not voted the verification notice required under section 115.155 no later than ninety days
15 prior to the date of a primary or general election for federal office. The voter identification card
16 shall contain the voter's name, address, [and] , precinct, **and party affiliation**. The card also
17 shall inform the voter of the personal identification requirement in section 115.427 and may also
18 contain other voting information at the discretion of the election authority. The voter
19 identification card shall be sent to a voter, except those who registered by mail and have not
20 voted, after a new registration or a change of address. If any voter, except those who registered
21 by mail and have not voted, shall lose his voter identification card, he may request a new one
22 from the election authority. The voter identification card authorized pursuant to this section may
23 be used as a canvass of voters in lieu of the provisions set out in sections 115.179 to 115.193.
24 Except as provided in subsection 2 of section 115.157, anyone, upon request and payment of a
25 reasonable fee, may obtain a printout, list and/or computer tape of those newly registered voters
26 or voters deleted from the voting rolls, since the last canvass or updating of the rolls. The
27 election authority may authorize the use of the postal service contractors under the federal
28 National Change of Address program to identify those voters whose address is not correct on the
29 voter registration records. The election authority shall not be required to mail a voter registration
30 card to those voters whose addresses are incorrect. Confirmation notices to such voters required

31 by section 115.193 shall be sent to the corrected address provided by the National Change of
32 Address program.

2 **115.166. Any person desiring to change or update such person's party affiliation**
3 **shall notify the person's election authority with a signed written notice in the same manner**
4 **as a change of address is filed under section 115.165.**

2 115.225. 1. Before use by election authorities in this state, the secretary of state shall
3 approve the marking devices and the automatic tabulating equipment used in electronic voting
4 systems and may promulgate rules and regulations to implement the intent of sections 115.225
5 to 115.235.

5 2. No electronic voting system shall be approved unless it:

6 (1) Permits voting in absolute secrecy;

7 (2) Permits each voter to vote for as many candidates for each office as a voter is
8 lawfully entitled to vote for;

9 (3) Permits each voter to vote for or against as many questions as a voter is lawfully
10 entitled to vote on, and no more;

11 (4) Provides facilities for each voter to cast as many write-in votes for each office as a
12 voter is lawfully entitled to cast;

13 (5) Permits each voter in a primary election to vote for the candidates of [only one] **the**
14 **political** party [announced by the voter in advance] **designated by such voter in the person's**
15 **voter registration as provided under this chapter;**

16 (6) Permits each voter at a presidential election to vote by use of a single punch or mark
17 for the candidates of one party or group of petitioners for president, vice president and their
18 presidential electors;

19 (7) Accurately counts all proper votes cast for each candidate and for and against each
20 question;

21 (8) Is set to reject all votes, except write-in votes, for any office and on any question
22 when the number of votes exceeds the number a voter is lawfully entitled to cast;

23 (9) Permits each voter, while voting, to clearly see the ballot label;

24 (10) Has been tested and is certified by an independent authority that meets the voting
25 system standards developed by the Federal Election Commission or its successor agency. The
26 provisions of this subdivision shall not be required for any system purchased prior to August 28,
27 2002.

28 3. The secretary of state shall promulgate rules and regulations to allow the use of a
29 computerized voting system. The procedures shall provide for the use of a computerized voting
30 system with the ability to provide a paper audit trail. Notwithstanding any provisions of this

31 chapter to the contrary, such a system may allow for the storage of processed ballot materials in
32 an electronic form.

33 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
34 under the authority delegated in this section shall become effective only if it complies with and
35 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
36 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
37 pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule
38 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
39 proposed or adopted after August 28, 2002, shall be invalid and void.

115.249. No voting machine shall be used unless it:

- 2 (1) Permits voting in absolute secrecy;
- 3 (2) Permits each voter to vote for as many candidates for each office as he is lawfully
4 entitled to vote for, and no other;
- 5 (3) Permits each voter to vote for or against as many questions as he is lawfully entitled
6 to vote on, and no more;
- 7 (4) Provides facilities for each voter to cast as many write-in votes for each office as he
8 is lawfully entitled to cast;
- 9 (5) Permits each voter in a primary election to vote for the candidates of [only one] **the**
10 **political** party [announced by the voter in advance] **designated by such voter in the person's**
11 **voter registration as provided under this chapter;**
- 12 (6) Permits each voter at a presidential election to vote by use of a single lever for the
13 candidates of one party or group of petitioners for president, vice president and their presidential
14 electors;
- 15 (7) Correctly registers or records and accurately counts all votes cast for each candidate
16 and for and against each question;
- 17 (8) Is provided with a lock or locks which prevent any movement of the voting or
18 registering mechanism and any tampering with the mechanism;
- 19 (9) Is provided with a protective counter or other device whereby any operation of the
20 machine before or after an election will be detected;
- 21 (10) Is provided with a counter which shows at all times during the election how many
22 people have voted on the machine;
- 23 (11) Is provided with a proper light which enables each voter, while voting, to clearly
24 see the ballot labels;
- 25 (12) Is provided with a mechanical model, illustrating the manner of voting on the
26 machine, suitable for the instruction of voters.

115.637. The following offenses, and any others specifically so described by law, shall be class four election offenses and are deemed misdemeanors not connected with the exercise of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more than one year or by a fine of not more than two thousand five hundred dollars or by both such imprisonment and fine:

(1) Stealing or willfully concealing, defacing, mutilating, or destroying any sample ballots that may be furnished by an organization or individual at or near any voting place on election day, except that this subdivision shall not be construed so as to interfere with the right of an individual voter to erase or cause to be erased on a sample ballot the name of any candidate and substituting the name of the person for whom he intends to vote; or to dispose of the received sample ballot;

(2) Printing, circulating, or causing to be printed or circulated, any false and fraudulent sample ballots which appear on their face to be designed as a fraud upon voters;

(3) Purposefully giving a printed or written sample ballot to any qualified voter which is intended to mislead the voter;

(4) On the part of any candidate for election to any office of honor, trust, or profit, offering or promising to discharge the duties of such office for a less sum than the salary, fees, or emoluments as fixed by law or promising to pay back or donate to any public or private interest any portion of such salary, fees, or emolument as an inducement to voters;

(5) On the part of any canvasser appointed to canvass any registration list, willfully failing to appear, refusing to continue, or abandoning such canvass or willfully neglecting to perform his duties in making such canvass or willfully neglecting any duties lawfully assigned to him;

(6) On the part of any employer, making, enforcing, or attempting to enforce any order, rule, or regulation or adopting any other device or method to prevent an employee from engaging in political activities, accepting candidacy for nomination to, election to, or the holding of, political office, holding a position as a member of a political committee, soliciting or receiving funds for political purpose, acting as chairman or participating in a political convention, assuming the conduct of any political campaign, signing, or subscribing his name to any initiative, referendum, or recall petition, or any other petition circulated pursuant to law;

(7) On the part of any person authorized or employed to print official ballots, or any person employed in printing ballots, giving, delivering, or knowingly permitting to be taken any ballot to or by any person other than the official under whose direction the ballots are being printed, any ballot in any form other than that prescribed by law, or with unauthorized names, with names misspelled, or with the names of candidates arranged in any way other than that authorized by law;

37 (8) On the part of any election authority or official charged by law with the duty of
38 distributing the printed ballots, or any person acting on his behalf, knowingly distributing or
39 causing to be distributed any ballot in any manner other than that prescribed by law;

40 (9) Any person having in his possession any official ballot, except in the performance
41 of his duty as an election authority or official, or in the act of exercising his individual voting
42 privilege;

43 (10) Willfully mutilating, defacing, or altering any ballot before it is delivered to a voter;

44 (11) On the part of any election judge, willfully absenting himself from the polls on
45 election day without good cause or willfully detaining any election material or equipment and
46 not causing it to be produced at the voting place at the opening of the polls or within fifteen
47 minutes thereafter;

48 (12) On the part of any election authority or official, willfully neglecting, refusing, or
49 omitting to perform any duty required of him by law with respect to holding and conducting an
50 election, receiving and counting out the ballots, or making proper returns;

51 (13) On the part of any election judge, or party watcher or challenger, furnishing any
52 information tending in any way to show the state of the count to any other person prior to the
53 closing of the polls;

54 (14) On the part of any voter, except as otherwise provided by law, allowing his ballot
55 to be seen by any person with the intent of letting it be known how he is about to vote or has
56 voted, or knowingly making a false statement as to his inability to mark his ballot;

57 (15) On the part of any election judge, disclosing to any person the name of any
58 candidate for whom a voter has voted;

59 (16) Interfering, or attempting to interfere, with any voter inside a polling place;

60 (17) On the part of any person at any registration site, polling place, counting location
61 or verification location, causing any breach of the peace or engaging in disorderly conduct,
62 violence, or threats of violence whereby such registration, election, count or verification is
63 impeded or interfered with;

64 (18) Exit polling, surveying, sampling, electioneering, distributing election literature,
65 posting signs or placing vehicles bearing signs with respect to any candidate or question to be
66 voted on at an election on election day inside the building in which a polling place is located or
67 within twenty-five feet of the building's outer door closest to the polling place, or, on the part of
68 any person, refusing to remove or permit removal from property owned or controlled by him, any
69 such election sign or literature located within such distance on such day after request for removal
70 by any person;

71 (19) Stealing or willfully defacing, mutilating, or destroying any campaign yard sign on
72 private property, except that this subdivision shall not be construed to interfere with the right of

73 any private property owner to take any action with regard to campaign yard signs on the owner's
74 property and this subdivision shall not be construed to interfere with the right of any candidate,
75 or the candidate's designee, to remove the candidate's campaign yard sign from the owner's
76 private property after the election day;
77 **(20) Voting or attempting to vote a primary election ballot of a political party other**
78 **than that for which the person's designated party affiliation qualifies the person to vote.**

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